

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

Next, the Examiner rejected claims 3-14, 41-46 and 48-49 under 35 U.S.C. § 103 as unpatentable over Hyodo U.S. Patent No. 5,937,390 (Hyodo) in view of Rondeau U.S. Patent No. 5,850,433 (Rondeau). Here too applicant disagrees. Indeed, the above amendments and the following remarks will convince the Examiner that the rejection of the pending claims should be reconsidered and withdrawn. In short, applicant respectfully submits that the Examiner's application of the teachings of the cited art vis-a-vis applicant's claimed invention is misplaced. Moreover, on further reflection, we are confident that the Examiner will recognize that the rejections based on Hyodo in view of Rondeau is nothing more than a hindsight reconstruction of the applicant's invention.

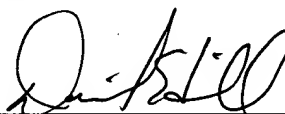
1 the advertiser's availability, routes the call to the advertiser on-line, as a first choice, and to a telephone,
2 if the advertiser is not available on-line. Neither Hyodo nor Rondeau teach such a novel method.
3 Rather, Rondeau merely teaches a communication to a business where the availability of someone to
4 answer a call is assumed. This is in stark contrast to a communication between two private parties,
5 where no such assumption of availability can be made. Moreover, neither Hyodo nor Rondeau in any
6 way teach a call routing method that uses a standard telephone as a backup to on-line availability.
7 Therefore, applicant respectfully submits that the rejection of both Claims 3 and 9, and their
8 associated dependent claims, are traversed and the rejection should be withdrawn.

9 Turning next to Claim 41, what is claimed is a computer based advertising system which notifies
10 an advertiser that someone is trying to make contact prior to connecting the respondent and the
11 advertiser, thereby preserving the advertiser's privacy. This important privacy feature is not taught by
12 either Hyodo or Rondeau. Moreover, Claim 41 provides the advertiser with the ability to setup and
13 control this privacy feature via the Internet thereby giving the advertiser greater control over the use of
14 the system. Hyodo does not teach such a method of Internet communication. It therefore follows that
15 Hyodo cannot disclose a method for setting up a feature that is not taught. Conversely, while Rondeau
16 does teach a form of Internet communication, it fails to teach that the advertiser is notified prior to
17 coupling the responder to the advertiser as in the claimed invention. In addition, Rondeau does not
18 teach that any of its features may be setup via the Internet. Thus, the invention claimed in Claim 41 is
19 plainly distinct from Hyodo and Rondeau, either alone or in combination, in two significant ways.
20 Consequently, applicant submits that the Examiner's rejection of Claim 41 and its associated dependent
21 claims is now traversed, and requests that this rejection be withdrawn.

1 Therefore, as is evidenced by the above amendments and remarks, the present invention
2 represents a patentable contribution to the art and the application is now in condition for allowance.
3 Early and favorable action is accordingly solicited.

Date: June 6, 2003

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "D. Hill", written over a horizontal line.

David M. Hill
Reg. No. 46,170
WARD & OLIVO
708 Third Avenue
New York, New York 10017
(212) 697-6262